

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE ESTATE OF EVANGELINA
MACIAS, an individual; ANNA LAURA
MACIAS, MARIA DE JESUS MACIAS,
and VICTOR MACIAS, individually and
as co-successors in interest of decedent
Evangelina Macias,

Plaintiffs,

v.

WASTE MANAGEMENT HOLDINGS,
INC., a corporation; WASTE
MANAGEMENT SAFETY SERVICES,
LLC, a limited liability company; and
DOES 1–50, inclusive,

Defendants.


No. C 14-01532 WHA

**ORDER DENYING MOTION
TO DISMISS AS MOOT AND
VACATING HEARING**

On June 26, defendants filed a motion to dismiss the first amended complaint (Dkt. No. 20). On July 3, however, plaintiffs timely filed a second amended complaint, pursuant to FRCP 15 and in accordance with the order granting leave for such a filing (Dkt. No. 21). Because our court of appeals has stated that “an amended pleading supersedes the original,” defendants’ motion to dismiss is **DENIED AS MOOT**. *Hal Roach Studios, Inc. v. Richard Feiner and Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). The hearing on August 21, 2014, is accordingly **VACATED**. This is without prejudice to any fresh motion that defendants may bring to dismiss the second amended complaint.

IT IS SO ORDERED.

Dated: July 14, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE